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CRITICAL HABITAT DESIGNATED FOR ARKANSAS RIVER SHINER

The U.S. Fish and Wildlife Service published today a final rule designating approximately 523 miles (856 kilometers) of rivers as critical habitat for the federally threatened Arkansas River shiner, a species that has disappeared from 80 percent of its historic range in the last 40 years. Areas designated include portions of rivers in Oklahoma and Kansas. The designation will become final 30-days from today's publication in the Federal Register.

Economic impacts associated with conservation activities for Arkansas river shiner, including today's critical habitat designation, are estimated to range from \$15 to \$33 million annually.

Areas designated as critical habitat include approximately 523 miles (856 kilometers) of rivers. In addition, all adjacent riparian areas within 300 feet (91.4 meters) of each bank are included in the designation. The areas determined to contain features essential to the conservation of the Arkansas River shiner include portions of the Canadian River (often referred to as the South Canadian River) in New Mexico, Texas, and Oklahoma, the Beaver/North Canadian River in Oklahoma, the Cimarron River in Kansas and Oklahoma, and the Arkansas River in Kansas.

Of those areas, the Service has excluded from this designation all previously proposed critical habitat in the Beaver/North Canadian River and the Arkansas River under the exclusion authority given to the Secretary of the Interior by the Endangered Species Act (ESA). In addition, the Service has excluded proposed critical habitat in two area units of the Canadian River in New Mexico, Texas, and Oklahoma.

Critical habitat is a term in the ESA denoting areas designated by the Service that have features essential for the conservation of a threatened or endangered species and that may require special management considerations or protection. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands. Federal agencies that undertake, fund or permit activities that may affect critical habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy designated critical habitat. The designation does not affect purely private or state actions on private or state lands, or require lands to be positively managed for conservation.

The Arkansas river shiner is a small, robust minnow with a small, flattened head, rounded snout, and tends to be light tan on top with silvery sides gradually grading to white on the belly. The survival of the species is threatened by habitat destruction and modification from stream dewatering or depletion due to diversion of surface water and groundwater pumping, construction of impoundments, and water quality

degradation. The Arkansas River Basin population of the Arkansas river shiner was listed as threatened under the ESA in 1998.

Background information on the Arkansas River shiner and its habitat requirements can be found in a previous final designation of critical habitat for this species, published in the Federal Register on April 4, 2001 (66 FR 18002). Additional background information is also available in the recent proposal for this designation of critical habitat for the Arkansas River shiner, published on October 6, 2004 (69 FR 59859). That information is incorporated by reference into this final rule. This rule replaces the April 4, 2001, critical habitat designation for this species.

The final rule was prepared pursuant to a court order resulting from a lawsuit filed against the Service by the New Mexico Cattle Growers Association and 16 other plaintiffs in 2003. The Final Rule was sent to the Federal Register on September 30, 2005 pursuant to the court order.

In 30 years of implementing the Endangered Species Act, the Service has found that the designation of critical habitat provides little additional protection to most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits.

In almost all cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Habitat is also protected through cooperative measures under the Endangered Species Act including Habitat Conservation Plans, Safe Harbor Agreements, Candidate Conservation Agreements and state programs. In addition, voluntary partnership programs such as the Service's Private Stewardship Grants and Partners for Fish and Wildlife program also restore habitat. Habitat for endangered species is provided on many national wildlife refuges, managed by the U.S. Fish and Wildlife Service, and on state wildlife management areas.

A copy of the final rule, maps, economic analysis, and other information about the Arkansas river shiner is available on the Internet at <http://ifw2es.fws.gov/Oklahoma>, or by contacting the Oklahoma Ecological Services Office, U.S. Fish and Wildlife Service, 222 South Houston, Tulsa, Oklahoma 74127-8909 (telephone 918/581-7458).

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 545 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies. Visit the Service's website at <http://www.fws.gov>.

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